

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**JAMIL COOPER,**

**Plaintiff**

**v.**

**PENNSYLVANIA DEPARTMENT  
OF CORRECTIONS, et al.,  
Defendants**

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**No. 1:12-cv-1186**

**(Judge Kane)**

**ORDER**

**AND NOW**, on this 7th day of June 2019, in accordance with the Memorandum issued concurrently with this Order, **IT IS ORDERED THAT:**

1. The Clerk of Court is directed to **TERMINATE** Defendant Pennsylvania Department of Corrections from this action in accordance with the Court's March 31, 2016 Order;
2. Defendants' motion for summary judgment (Doc. No. 93) is **GRANTED IN PART** and **DENIED IN PART** as follows:
  - a. Defendants' motion (Doc. No. 93) is **GRANTED** with respect to Plaintiff's due process claim regarding Misconduct B384789 (the September 7, 2011 misconduct), and the Clerk of Court is directed to defer the entry of judgment in favor of Defendants on this claim until the conclusion of the above-captioned proceedings;
  - b. Defendants' motion (Doc. No. 93) is **DENIED** with respect to Plaintiff's First Amendment retaliation claim and due process claim regarding Misconduct B384784 (the September 6, 2011 misconduct); and
3. A separate Order scheduling a status conference in the above-captioned action shall issue.

s/ Yvette Kane

Yvette Kane, District Judge  
United States District Court  
Middle District of Pennsylvania